

**BOARD OF SHELBY COUNTY COMMISSIONERS**

**CHARTER FORM OF GOVERNMENT**

**1:30 P.M. COMMISSION CONVENES**

## INVOCATION Moment of Silence

## ROLL CALL

## C O N S E N T   A G E N D A

**LILLARD  
ADOPTED**

**3. Resolution commending Dr. Tim Setterlund, Principal of Collierville High School, selected as “2004 Tennessee PTA Outstanding Principal” by the Tennessee Parent Teachers Association (PTA).**

**HOOKS**  
**APPROVED**

4. **ORDINANCE – FIRST READING** – An Ordinance to amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee, relative to security alarm services.

**HOOKS  
ADOPTED  
(A-C)**

**5. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.**

**Reports and/or Resolutions of Standing Committees**

**LILLARD  
ADOPTED**

6. Resolution approving on the job injury death benefits for Frances D. Wright, Individually, as parent and natural guardian of Candice Wright and Jason Wright.

**LILLARD  
ADOPTED**

7. Resolution approving the reassignment of an individual to a different position in the Shelby County Internal Audit Office resulting in a salary increase.

**LILLARD  
ADOPTED**

8. Resolution to approve contracts with the State of Tennessee to make an intergovernmental transfer to the State of Tennessee in the amount of \$10,829,344.00, to receive a two percent administrative fee from the State of Tennessee and for Oakville Health Care Center to receive a Medicaid Disproportionate Share Payment in the amount of \$10,829,344.00.

**LILLARD  
(DEFERRED  
TO 05/17/04)**

9. Resolution increasing the county grant appropriation for the Exchange Club by \$20,000.00 and amending the FY 2003/2004 Operating Budget.

**LILLARD  
ADOPTED**

10. Resolution to approve an amendment between Shelby County Government and Delphax Technologies, Inc., for maintenance and support of the Duplex Printing System, in the total amount of \$97,394.36 from FY 2004/2005 Operations and Maintenance Budget, Account Number 010-201804-6780.

**LILLARD  
ADOPTED**

11. Resolution to approve an amendment between Shelby County Government and Casto Information Management Systems, Inc., (CIMS) for maintenance and support of hardware and software for the county's document management system in the total amount of \$87,102.00 from FY 2004/2005 Operations and Maintenance Budget, Account Number 010-201804-6780.

**LILLARD  
ADOPTED**

12. Resolution to approve a contract between Corrlogic, Inc., and Shelby County Government, Information Technology, for custom programming services to migrate their Jail Management System (JMS) to current technology and to appropriate funds from FY 2003/2004 CIP Project Number 101714 in an amount not to exceed \$910,000.00.

**LILLARD  
ADOPTED**

13. Resolution to approve an amendment between Corrlogic, Inc., for extended support JMS (Jail Management System) and IMS (Institutional Management System) in the total amount of \$399,439.00 from the FY 2004/2005 Operations and Maintenance Budget.

**LILLARD  
ADOPTED**

14. Resolution to approve an amendment between Shelby County Government and E-Applications Solutions Group, Inc., for maintenance services for the administrative management support software in the total amount of \$179,931.15 from FY 2004/2005, Operations and Maintenance Budget, Account Number 010-201804-6780.

**LILLARD  
ADOPTED**

15. Resolution to appropriate funds in the amount of \$60,784.96 for payment to the City of Memphis for the county's share of the Nonconnah Creek Flood Control Project from the FY 2003/2004 CIP Budget for Project Number 101915, Nonconnah Creek Flood Control.

**THOMPSON  
ADOPTED**

16. Resolution approving expenditure of funds from FY 2003/2004 Operating Budget to Bill Heard Chevrolet Co. in the amount of \$234,066.00 for the purchase of fourteen (14) 2004 model police pursuit vehicles for the Sheriff's office.

**THOMPSON  
ADOPTED**

17. Resolution amending the Operating Budget to allow alternative uses of \$7,651.00 in Juvenile Accountability Incentive Block Grant proceeds. This amount was a part of the sub award to the Shelby County schools from the federal through state grant for federal fiscal year 2001. The county schools have not expended the money and no longer intend to expend it. A transfer of \$850.00 from the General Fund will be needed as local match for these funds, to replace that the county schools would have provided for their sub award.

**THOMPSON  
ADOPTED**

18. Resolution approving the extension of the contract with Tennessee Technology Center at Memphis (TTCM) in the amount of \$20,000.00 for the instruction in construction finishing skills for female offenders in the Women in Construction (WIC) Program.

**THOMPSON  
ADOPTED**

19. Resolution approving the extension of the contract with Tennessee Technology Center at Memphis (TTCM) in the amount of \$20,000.00 for the instruction in metal stud construction for male offenders.

**THOMPSON  
ADOPTED**

20. Resolution approving the reclassification of a position in the Juvenile Court Clerk's Office.

**THOMPSON  
ADOPTED**

21. Resolution approving the establishment of a Chief Principal Court Clerk position in the Juvenile Court Clerk's office.

**THOMPSON  
ADOPTED**

- 21A. Resolution approving expenditure of funds from the FY 2003/2004 Operating Budget to Landers Ford in the amount of \$76,200.00 for the purchase of six (6) 2004 model Ford Taurus vehicles for the Sheriff's Office.

- |                              |  |
|------------------------------|--|
| <b>RENDTORFF<br/>ADOPTED</b> | 22. Resolution to amend the FY 2003/2004 Operating Budget for the Division of Community Services to allow expenditures of \$17,203.00 in interest earned on proceeds of the Local Law Enforcement Block Grant for federal fiscal year 2002.  |
| <b>MOSS<br/>ADOPTED</b>      | 23. Resolution authorizing the mayor to enter into an agreement with the Corps of Engineer, the Chickasaw Basin Authority and the City of Lakeland to cost share the Oliver Creek Study, amending the FY 2003/2004 Budget and appropriating fund sin the amount of \$33,000.00 from the budget for CIP Project Number 101906, Chickasaw Basin Authority. |
| <b>FORD<br/>ADOPTED</b>      | 24. Resolution amending Resolution No. 23C adopted on March 22, 2004, establishing guidelines for the Commissioner's Summer Youth Employment Program.  |
| <b>MALONE<br/>ADOPTED</b>    | 25. Resolution rescinding previously approved resolution approving Homestead Program transfer of property and reassigning property to the real estate office for sale.   |
| <b>MALONE<br/>ADOPTED</b>    | 26. Resolution approving the transfer of title of four parcels of Homestead Program property pursuant to Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution #24 adopted by the Shelby County Board of Commissioners October 7, 1985 authorizing the implementation of the Shelby County Homestead Program.                                     |
| <b>HOOKS<br/>ADOPTED</b>     | <b>CONSENT AGENDA</b>  |

## REGULAR AGENDA

### Elections, Appointments, and Confirmations

- |                            |   |
|----------------------------|---|
| <b>MOSS<br/>ADOPTED</b>    | 27. Resolution approving the county mayor's nomination of <i>Justin Mitchell</i> for appointment and <i>Marcus Grandberry</i> and <i>John McCormick</i> for reappointment to the <u>Shelby County Conservation Board</u> for a term of five (5) years.          |
| <b>MOSS<br/>ADOPTED</b>    | 28. Resolution approving the county mayor's nomination of <i>Lawrence Smith</i> and <i>Ronnie Adkins</i> for appointment to the <u>Municipal Solid Waste Region Board</u> for a term of six (6) years.  |
| <b>MOSS<br/>ADOPTED</b>    | 29. Resolution approving the county mayor's nomination of <i>Joyce Connable</i> , <i>Shirley Harris</i> , <i>Roscoe McVay</i> and <i>Tommy Wilder</i> for appointment to the <u>Shelby County Agricultural Extension Committee</u> for a term of two (2) years. |
| <b>LILLARD<br/>ADOPTED</b> | 30. Resolution electing Shirley Thornton to the Shelby County Board of Equalization for a term expiring April 2006.   |

|                                    |     |   |
|------------------------------------|-----|---|
| LILLARD<br>ADOPTED                 | 31. | Resolution electing Ron Austin to the Shelby County Board of Equalization for a term expiring April 2006.   |
| LILLARD<br>ADOPTED                 | 32. | Resolution electing Joseph Werner to the Shelby County Board of Equalization for a term expiring April 2006.  |
|                                    |     | <u>Ordinances</u>   |
| HOOKS<br>(DEFERRED<br>TO 05/17/04) | 33. | <p><u>ORDINANCE – THIRD READING –</u><br/> An Amendment to the Joint Ordinance by the Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of <u>Construction Code Enforcement</u> and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; Providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; adopting the current Shelby County Construction Codes and the Memphis and Shelby County Construction Code; and authorizing the development of policies, procedures and approval procedures by both legislative bodies for a commercial demolition program and authorizing certain commercial demolition activities.</p> |
| HOOKS<br>ADOPTED<br>AS AMENDED     | 34. | <p><u>ORDINANCE – THIRD READING AS AMENDED –</u><br/> A Joint Ordinance (ZTA 03-005 CC) amending the Memphis and Shelby County <u>Zoning Ordinance – Regulations</u> adopted by the Shelby County Board of Commissioners on October 6, 1980 and the Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:</p> <p>Amend Zoning Ordinance to amend Neighborhood Commercial (C-N) Zoning District and amend Chart 1 (Uses Permitted) to allow residential uses in the C-N District and Chart 2 (Bulk Regulations).</p>  |
| HOOKS<br>(DEFERRED<br>TO 05/17/04) | 35. | <p><u>ORDINANCE – THIRD READING – (ZTA 03-002 CC)</u><br/> A Joint Ordinance (ZTA 03-002 CC) amending the Memphis and Shelby County Zoning Ordinance, adopted by the Shelby County Board of Commissioners on October 6, 1980 and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, so as to make certain changes therein as follows:</p> <p>1) Amend <u>Section 29 – Signs</u>,<br/> Subsection III – Definitions;<br/> Subsection IV – Classification of signs;<br/> Subsection V – Signs Prohibited;<br/> Subsection VI – General Standards;<br/> Subsection VII – Permanent On-Premise Sign Regulations;<br/> Subsection XII – Violations; and<br/> Creating a new Subsection XIII – Enforcement and Penalties.</p>   |

- 2) Amend Section 30 – Non-conformities,  
Subsection E – Non-conforming On-Premise and  
Off-Premise Signs;  
Providing for severability;  
Providing for repeal of conflicting  
ordinance requirements; and providing an  
effective date.

**Zoning and Subdivisions**

**HOOKS  
DROPPED**

36. **CASE NO. S 04-005 CC**  
**APPLICANT: RUSCO**

**LOCATION: Northwest corner of Migaldi Drive  
and Nicholas Lane**

**REQUEST: Appeal by Pinnacle Point Neighborhood  
Association, Inc., of the Joint Resolution  
approving Pinnacle Point Subdivision,  
resubdivision of Lots 106 and 107 to allow  
for an additional lot (Lot 204) and reduce  
the required front yard building setback  
ten (10') feet for Lots 106, 107 and 204  
along Migaldi Drive.**

**Memphis and Shelby County Office of Planning and  
Development recommendation:  
APPROVAL WITH CONDITIONS**

**Memphis and Shelby County Land Use Control Board  
recommendation:  
APPROVAL WITH CONDITIONS**

**(No notice of public hearing in newspaper of general  
circulation required; however, notice letters to interested  
property owners mailed on Friday, March 12, 2004.)**

**HOOKS  
ADOPTED**

37. **CASE NO. Z 04-102 CC**  
**APPLICANT: Panattoni Development Company**

**LOCATION: +/-1,685 feet east of Airways Boulevard at the  
Tennessee State Line**

**REQUEST: Taking the property out of Multiple Family  
Residential (R-ML) Use District and including  
it in Light Industrial (I-L) Use District**

**Memphis and Shelby County Office of Planning and  
Development recommendation:  
APPROVAL**

**Memphis and Shelby County Land Use Control Board  
recommendation:  
APPROVAL**

**(Notice of public hearing published in the Daily News on  
Friday April 16, 2004.)**

**Reports and/or Resolutions for Standing Committees**

**LILLARD  
FAILED**

38. Resolution approving settlement agreement in case of *Clark Construction Group, Inc., Plaintiff, VS. City of Memphis and the Memphis Cook Convention Center, Defendants*, Civil Action Number 01-2780 U. S. District Court.

**THOMPSON  
ADOPTED**

- 38A. Resolution requesting the release of contingencies and restrictions and amending the revenue budget of the Shelby County Criminal Court Clerk in an amount equal to the amount of operating funds required until the next scheduled meeting of the Shelby County Board of Commissioners subject to the review of the Director of Finance.

**Announcements/Statements**

**Adjournment**

**THOMPSON  
ADOPTED**

39. Resolution of Adjournment to May 17, 2004, at 1:30 p.m.

**AGENDA # 5**  
**APRIL 26, 2004**

**5A**

**SUBDIVISION:** GLEN LAKES P.D., PHASE 2 (P.D. 01-320 CC)

**DEVELOPER:** MARK MATTHEWS DEVELOPMENT, L.L.C.

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO GLEN LAKES P.D., PHASE 2 (P.D. 01-320 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

**LOCATION:** EAST SIDE OF HOUSTON LEVEE ROAD; +/-2,500 FEET NORTH OF MACON ROAD

**5B**

**SUBDIVISION:** HUNTERS WALK SOUTH P.D. (P.D. 03-315 CC)

**DEVELOPER:** MARS DEVELOPMENT, L.L.C.

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO HUNTERS WALK SOUTH P.D. (P.D. 03-315 CC) AND AUTHORIZE THE RECORDING OF THE 7PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

**LOCATION:** EAST SIDE OF GERMANTOWN ROAD; +95 FEET SOUTH OF REBECCA WOODS DRIVE

**5C**

**SUBDIVISION:** WHITTEN DOWNS P.D. (P.D. 00-322 CC)

**DEVELOPER:** REAVES FAMILY PARTNERSHIP

**ACTION:** RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO WHITTEN DOWNS P.D. (P.D. 00-322 CC)

**LOCATION:** EAST SIDE OF WHITTEN ROAD, OPPOSITE KAMALI AVENUE